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SUMMARY RECORD OF THE 1236th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 July 1993, at 10 a.m.

Chairman: Mr. ANDO

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GE.93-17325 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Ireland (continued) (CCPR/C/68/Add.3; HRI/CORE/1/Add.15)

1. At the invitation of the Chairman, Mr. Whelehan, Mr. Swift, Mr. O'Grady, Mr. Hamilton, Mr. Cole, Mr. Nolan, Mr. Denham, Mrs. Kilcullen and Mr. O'Floinn (Ireland) took places at the Committee table.

2. The CHAIRMAN invited the Committee to continue its consideration of the initial report of Ireland (CCPR/C/68/Add.3).

3. Mr. AGUILAR URBINA welcomed the presence of the high-level delegation representing the State party. He also welcomed the progress made in Ireland in applying the provisions of the Covenant, whose implementation, it should be pointed out, was mandatory, just like the peremptory rules of general international law.

4. He noted that in its report the Irish Government had devoted only paragraphs 29-31 to the implementation of article 4 of the Covenant, concerning states of emergency, and had in substance referred only to article 28.3.3 of the Constitution. In fact, it remained to be seen whether the initial provisions of that article were not contrary to those of the Covenant as far as the rights from which no derogation could be made in any circumstance were concerned. Furthermore, it seemed that the Offences against the State Act, 1939, mentioned in paragraph 30 of the report, was still in force and that, as a result, the state of emergency was permanent in Ireland, a situation which might give rise to serious abuses. Thus the Act could be invoked to arrest political opponents and to hold them in detention without trial, or to investigate common-law offences without the guarantee constituted by the presumption of innocence. Arrested persons could also be brought before special criminal courts, which were hardly of a kind likely to ensure that justice was administered in accordance with democratic principles. He would therefore like to have some precise information as to whether the state of emergency had in fact been maintained since 1939. If that was the case, there would clearly be a violation of the provisions of article 4 of the Covenant and it would then be appropriate to amend article 28.3.3 of the Constitution.

5. He would also like to have some information on the situation of nomads in Ireland. It seemed that they were victims of discrimination and, if account was taken of the fact that the infant mortality rate among them was twice as high as the average for the rest of the population, that their right to life was threatened. Furthermore, it was stated in paragraph 209 of the report that any person who wished to be included in the register of electors must have been "ordinarily resident" in a constituency; that apparently meant that nomads, because of their lifestyle, were deprived of the right to vote and were therefore victims of discrimination, in violation of the provisions of the Covenant.

6. With regard to rights and freedoms, particularly in matters of abortion and respect for privacy, he noted in general that exceptions were apparently formulated in the legislation before the right itself. It also seemed to him that the legislation on the right to freedom of expression was anachronistic, particularly in respect of film censorship, and that regulation was consequently ineffective. In particular, he would like to have some information on what the Irish Government understood by "unnatural vice", (para. 163 of the report) and the "blasphemous" nature of certain films, (para. 158).

7. Finally, the Irish delegation should supply some further information on the provisions relating to legal aid, which were apparently not laid down by law but were decided upon by administrative authorities with broad discretionary powers. Moreover, the sum granted seemed very small in relation to the average income of the population. That question was important, since it directly affected the concrete implementation of the provisions of article 14 of the Covenant. He would therefore like to have more details on the specific measures taken to remedy the shortcomings in that respect.

8. Mr. PRADO VALLEJO welcomed the Irish delegation, whose oral statement had usefully supplemented the already very detailed report submitted by the Irish Government.

9. Certain questions, however, remained to be clarified. In particular, he would like to know whether, in Ireland, citizens could invoke the provisions of the Covenant directly before the courts. He really doubted whether that was the case, since the Covenant had not been incorporated into Irish domestic legislation, but he would like the delegation to give some further information on the subject. Furthermore, referring to paragraph 5 of the report (CCPR/C/68/Add.3), he asked whether all sectors of the population, and not merely members of the police forces, were informed of the existence of the Covenant and whether the teaching of human rights included topics going beyond those concerning only humanitarian law. In connection with article 40.1 of the Constitution, referred to in paragraph 6 of the report, he would like to have some information on the concept of "social function", on the basis of which the State apparently made a distinction among citizens.

10. With regard to the position of aliens in Ireland, the delegation could perhaps indicate the reasons why aliens were not allowed to own land in Ireland, as indicated in paragraph 13 of the report, and whether there was not a contradiction in that respect with the provisions of the Aliens Act, 1935, mentioned in paragraph 115, according to which aliens had the same rights as Irish citizens with regard to the acquisition, holding and disposal of real and personal property. Furthermore, was an alien married to an Irish woman who did not register in conformity with the Aliens Order, 1946 (para. 28 of the report) deprived of his rights and did the 1986 Act providing for the granting of Irish citizenship after marriage (ibid.) mean that a person could change nationality as a result of marriage?

11. In connection with the Emergency Powers Act, 1976, whose provisions were described in paragraph 30 of the report, the delegation should state whether the measures aimed at authorizing the arrest of any persons suspected of

"being about to commit an offence under the Offences against the State Act, 1939" were really in conformity with the provisions of the Covenant. Furthermore, should not the extension of detention in police custody from 48 hours to 5 days be ordered by a judge rather than by a police officer, whatever his rank?

12. Moreover, referring to paragraph 31 of the report, he asked whether the 1976 Act was applied in conformity with the provisions of article 4 of the Covenant, bearing in mind that the circumstances which had led to the declaration of the state of emergency no longer existed but that the state of emergency itself was maintained.

13. With regard to the question of abortion and the conclusions formulated in paragraph 42 of the report, it seemed that Irish legislation was excessively strict, especially if it was considered that the mere fact of supplying information on abortion was an offence punished by law; that constituted a violation of the right to freedom of expression. Moreover, it seemed that the essential question of women's health was not duly taken into account in the legislation. The Irish delegation might wish to supply some explanations on that subject.

14. In connection with what was stated in paragraph 48 of the report, he would like to know whether cases of torture had occurred in Ireland and, if so, whether inquiries had been conducted and what the results had been. On the subject of forced labour (para. 53 of the report), he asked what was the nature of the "community service" required of prisoners in certain cases. Also, referring to paragraph 62 of the report, he would like to have some further information on the "most extraordinary circumstances" in which a person could be punished in respect of a matter for which he had not been convicted.

15. With regard to the legislation relating to the removal of an alien from the territory of the State, (para. 117 of the report), he asked what remedies were available to an individual to challenge a deportation order that had been made arbitrarily and whether there was a judicial authority offering sufficient guarantees of impartiality that was responsible for deciding on the subject. The same question arose in connection with the arbitrary interception of telecommunications messages (para. 135 of the report).

16. It was indicated in paragraph 140 of the report that denominational schools received State aid. He wondered whether there were also, in Ireland, lay schools which could be subsidized with the aid of public funds and whether teachers of religious instruction were funded by the State, as was indicated in paragraph 142 of the report, regardless of the religion which they taught.

17. Irish legislation on censorship appeared to be extremely restrictive, and the Irish delegation would no doubt be able to state how far the powers of the Censorship of Publications Board, mentioned in paragraph 154 of the report, matched the provisions of article 19 of the Covenant.

18. Finally, referring to article 14 of the Covenant, he wondered whether the existence of special criminal courts was still justified, whether there was a system of legal aid in civil matters, and what the authorities understood by the "minor offences" mentioned in the reservation made by Ireland in respect of article 14 when it had ratified the Covenant (para. 119 of the report).

19. The CHAIRMAN announced that the Irish delegation would respond at a later meeting to the questions asked and observations made by members of the Committee in connection with the consideration of Ireland's initial report.

The meeting was suspended at 10.55 a.m. and resumed at 11.05 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued) (CCPR/C/48/CRP.2)

20. The CHAIRMAN invited members of the Committee to consider the draft general comment on article 18 of the Covenant (CCPR/C/48/CRP.2), paragraphs 1-8 of which had been provisionally adopted by the Committee and paragraphs 9-11 of which had been revised by the Working Group under Article 40 at the request of the Committee.

21. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) said that the text of paragraphs 9-11 had been redrafted in the light of the opinions and comments formulated by members of the Committee during previous discussions, so as to obtain a logical text that fitted well into the general comment as a whole. The revised version of the last three paragraphs had been prepared by Mr. Dimitrijevic, and members of the Working Group had merely made a few formal amendments to it.

22. Mr. DIMITRIJEVIC indicated that paragraph 9 dealt more especially with questions connected with discrimination arising from the existence of a dominant or traditional religion, or a religion recognized as the State religion or the existence of a religion whose followers represented the majority of the population; paragraph 10 dealt with restrictions or forms of discrimination connected with the existence of an official ideology, and paragraph 11 with conscientious objection. Originally, the text of the general comment dealing with those three questions, which was potentially controversial, had been left in square brackets. After some hesitation, the Committee had finally decided not to ignore such controversial issues and to respond to the expectations of the public and of States parties, which wanted clarifications as to the meaning and scope of the articles of the Covenant.

23. With regard to paragraph 9, the new text merely recorded, in its first sentence, factual situations which were not in themselves contrary to the Covenant - namely, that a religion was official or recognized, or was the proclaimed religion of the State. The same applied to official ideology (para. 10), which was a reality in many States but was not in itself a violation of the Covenant. The Committee pointed out that article 18 was not exclusively concerned with freedom of religion, but also with freedom of thought, conscience and other beliefs and that, consequently, the rights protected in that article were also protected with regard to any limitation connected with the existence of an official ideology.

24. As far as conscientious objection, dealt with in paragraph 11, was concerned, the Working Group had had instructions to consult the Committee's jurisprudence under the Optional Protocol. However, it had not found any mention there of the right to conscientious objection as such, or any argument based on article 18 of the Covenant. The Committee, while recognizing that the Covenant did not explicitly mention a right to conscientious objection, considered that such a right could be derived from article 18, and it explained its position in the third sentence of the paragraph. The text had been drafted carefully, in the light of what was now generally understood by "conscientious objection". Finally, in order to take into account certain differentiations that were made between a person who was a conscientious objector for religious reasons and a person who was a conscientious objector as an atheist, for example, and who would have more difficulty in obtaining conscientious objector status, it was clearly indicated that no distinction should be made when the right in question was recognized by law or practice.

25. The CHAIRMAN invited members of the Committee to make observations on paragraphs 9, 10 and 11 of the draft general comment in turn.

Paragraph 9

26. Mrs. EVATT, pointing out that paragraph 9 dealt with cases where there was an official or State religion, said that the intention of the Committee was to specify that in such cases the followers of other religions or non-believers must not be subject to any discrimination or suffer any impairment whatsoever of their freedom of belief or religion. She would like the text to place more emphasis on the protection afforded to freedom of religion in a State where there was a dominant religion, and she therefore proposed that the following words should be added at the end of the first sentence: "or any other impairment of the enjoyment of the rights recognized in the Covenant, including rights under article 18". Furthermore, she pointed out that an official religion or belief must be subject to the same restrictions as those mentioned in paragraph 10 in connection with ideologies and she expressed surprise that an equivalent formula was not included in paragraph 9.

27. Mr. SADI said that he was not sure what was covered by the term "discrimination" in the context of the first sentence of paragraph 9. What sprang to mind, for instance, was the practice in certain Islamic States whereby institutions of higher learning teaching Islamic law (Shariah) were open only to Muslims; the same remark also applied to Jewish institutions. Was that discrimination or an admissible form of differentiation or distinction? Moreover, the first sentence of paragraph 9 distinguished between three categories of religion - a dominant or traditional religion, a religion established as the official, recognized or State religion, and a religion whose followers comprised the majority of the population. However, in the second sentence no further mention was made of an established or recognized religion. Why was that? Finally, he would like to know what was understood by "economic privileges" given to members of the established or recognized religion, as mentioned in the second sentence of paragraph 9.

28. Mr. NDIAYE said that he did not see what the word "dominant" added to the word "traditional" in paragraph 9, since there often existed, within the same country, several traditional and rival religions; it was not uncommon, for example, to find all the revealed religions within the same State. However, he had no other wording to propose to render the idea that needed to be expressed. He also pointed out that the fourth sentence of paragraph 9, which dealt with the protection of the practice of all religions or beliefs against any "impermissible infringement", suggested that there were infringements on the practice of a religion which were permissible. It might be better to refer to "serious" or "unjustified" restriction.

29. Mr. EL SHAFEI expressed the view that the adjective "traditional" should be deleted.

30. Mr. HERNDL supported that view and proposed that the reference to a "dominant" religion should also be deleted, leaving only two categories - an official, recognized or State religion and a religion whose followers comprised the majority of the population.

31. Secondly, he would like to see article 27 of the Covenant referred to along with articles 20 and 26 in the body of paragraph 9, and not only at the end, since religious minorities were expressly mentioned in article 27, which recognized their right to enjoy their own culture and to profess and practise their own religion. The protection afforded by article 27 therefore deserved to be mentioned alongside the protection set forth in articles 20 and 26 of the Covenant.

32. Mr. DIMITRIJEVIC, responding to the various observations and suggestions which had just been made by members of the Committee, said, first of all, that the term "traditional" used in the first sentence of paragraph 9 was one that was sometimes employed in certain constitutions to designate an established religion in a country, as was the case with the Orthodox religion in Bulgaria. The fact that a religion was mentioned as a traditional religion in the Constitution gave it a certain precedence which it might not have in actual fact. Furthermore, it was known that in Latin America the predominance of a religion was not always linked to the number of its followers but to the fact that it was the religion of the élite. Finally, a religion could be dominant without being practised by the majority of the population; for example, in Russia, according to recent statistics, only 40 per cent of the inhabitants were believers, and the majority therefore consisted of non-believers. However, in the text which it was proposing, the Working Group had endeavoured to take account of factual situations without going into other considerations. In his opinion, the reference to dominant or traditional religion should be retained.

33. Secondly, he was not opposed to Mrs. Evatt's proposal regarding the addition of the words "or any other impairment of the enjoyment of the rights recognized in the Covenant, including rights under article 18".

34. Thirdly, Mr. Sadi had asked a question to which he himself had replied by using the term "differentiation": when the term "discrimination" was used, it was clearly no longer a matter of differentiation or permissible distinction. The kind of distinction mentioned by Mr. Sadi could exist in any country, and

not only when there was a religion recognized as the State religion or as the dominant religion. Mr. Sadi had also pointed out that the second sentence of paragraph 9 did not reproduce the three categories of religion mentioned in the first sentence: the reason was that the second sentence served merely to give some examples.

35. Fourthly, Mrs. Evatt had pointed out that paragraph 9 did not include the principle, set forth in paragraph 10, that the content of an official ideology must be subject to the same restrictions as the expression of private beliefs. However, that concern had been taken into account by a reference to article 20, paragraph 2, of the Covenant, concerning incitement to discrimination, or to national, racial or religious hatred. It had seemed to the Working Group that, in the context of paragraph 9, it was sufficient to point out the limitations or restrictions deriving from articles 18 and 20 of the Covenant.

36. Account could be taken of Mr. Herndl's proposal that article 27 of the Covenant should be mentioned in the context of the definition of rights and not only at the end of paragraph 9 by drafting the third sentence to read: "The measures contemplated by article 20, paragraph 2, of the Covenant ... to exercise the rights guaranteed by articles 18 and 27 ...". The Committee could also refer to article 27 at the end of the second sentence ("... and the guarantee of equal protection under articles 26 and 27"). Both possibilities were admissible. However, if the Committee referred to article 27 at the very beginning of the paragraph, it might be preferable to delete the fifth sentence ("Similarly, information ...") completely.

37. Finally, he agreed with Mr. Ndiaye that it was necessary to avoid giving the impression that there might be a "permissible" infringement and proposed that the adjective "impermissible" should simply be deleted.

38. Mrs. EVATT, after endorsing Mr. Herndl's remark concerning the place at which the reference to article 27 of the Covenant should be made, said that, in order to allow for it, it would be sufficient to expand the amendment which she herself had proposed to the first sentence. Her amendment would then read: "... shall not result ... or non-believers, or any other impairment of freedom of religion or belief or the enjoyment of the rights recognized by the Covenant, including rights under articles 18, 26 and 27".

39. Mr. PRADO VALLEJO noted that in paragraph 9 alone six adjectives were used to describe religion; that might be a source of confusion. It seemed to him that if a religion was "dominant", it was probably so because it was "traditional" in the country concerned and therefore would be the "State religion"; as such, it was naturally "established" and consequently "recognized". He drew the Committee's attention to that stream of adjectives, which might impair the understanding of the general comment. In any case, the adjective "dominant" should be deleted.

40. Mr. WENNERGREN replied that, although it was possible to delete some adjectives, the idea of predominance must still be retained. In the first sentence of paragraph 9, the number of adjectives could be reduced by using the words: "The fact that a religion is predominant for traditional or other reasons ...".

41. Mr. FODOR supported the idea of making a reference to article 27 at the end of the second sentence and in the third sentence of paragraph 9. He would nevertheless like the fifth sentence ("Similarly, information ...") to be retained, since it seemed to him to be important and necessary in view of States parties' tendency to fail to include in their reports information on respect for the rights of religious minorities.

42. Mr. EL SHAFEI said that he, too, was in favour of Mrs. Evatt's proposal. As far as the adjectives were concerned, it did not seem to him that there were too many, but he would like to have further information concerning two concepts which he was not sure were really distinct. Was an "established" or "recognized" religion identical to a "State religion"? Perhaps the Committee should make a choice.

43. At the beginning of the second sentence of paragraph 9, he would like the phrase "measures affecting the latter" to be replaced by "measures discriminating against the latter", which was more precise. In the same sentence, examples were given of discriminatory measures, and the example concerning economic privileges posed a problem, since, as the sentence was drafted, it would appear that such economic privileges were linked to the exercise of a function in the service of the State, and that was probably not what the Committee wanted to indicate. It would be more appropriate either to delete the phrase "giving economic privileges to them" - since it served only as an example - or, better still, to join the second example to the first by a conjunction, in the following way: "such as, measures restricting eligibility for government service to members of the established or recognized religion or giving economic privileges to them ...".

44. Mr. HERNDL said that, unlike those who thought that the adjectives "dominant" or "traditional" should be deleted, he considered that the idea of predominance should be retained; he therefore supported Mr. Wennergren's proposal.

45. He agreed with the substance of the amendment proposed by Mrs. Evatt, but it should be slightly recast so as not to break the logical sequence of the first two sentences in paragraph 9, which, it should be borne in mind, were concerned with discrimination on the ground of religion and not with the right to profess a religion. He therefore proposed that Mrs. Evatt's amendment should be modified so that the end of the first sentence would read: "... shall not result in any impairment of the enjoyment of any of the rights recognized in the Covenant, including articles 18 and 27, nor discrimination against adherents of other religions or non-believers". In the second sentence, Mr. El Shafei's proposal that the verb "affecting" should be replaced by a more precise expression was acceptable. The second sentence would therefore read: "In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant or recognized religion ...". Since the principle of non-discrimination would thus be highlighted in the paragraph, the fifth sentence, which aimed at requesting information on respect for the rights of religious minorities, could be retained.

46. Mr. NDIAYE said that he understood Mr. Prado Vallejo's criticism regarding what he considered to be a plethora of adjectives. Nevertheless, some of those adjectives were justified. For example, "official religion" was not synonymous with "State religion". The first term related to a mere declaration by the authorities, which recognized that religion, whereas the second meant that the State as such was involved in the functioning of religious institutions. On the other hand, there was no difference between a "recognized" and an "official" religion, the second term being preferable. Despite Mr. Dimitrijevic's explanations, he still considered that the adjective "traditional" was unnecessary beside "dominant", but he would not oppose its retention if that was the wish of other members of the Committee. On the other hand, the adjective "established" added nothing, and it would be simpler to use the term "official religion".

47. Mr. DIMITRIJEVIC endorsed the amendment proposed by Mrs. Evatt, as recast by Mr. Herndl.

48. While he understood those members of the Committee who considered that too many adjectives were used, he could not accept the expression "predominant for traditional reasons" proposed by Mr. Wennergren, since care had to be taken to avoid attributing the reasons for which a religion was established in a country to a sociological or other kind of cause. In fact, the Committee had in view two very simple situations: that in which an official text - the Constitution, as in the case of Bulgaria, or another official text - provided that a particular religion was an official or State religion, and that in which the majority of the population professed a certain religion. The Committee should therefore restrict itself to those two situations and not instigate a more complicated analysis falling within other spheres. The best solution would be not to mention predominance in the first sentence and to state, for example: "The fact that a religion is recognized as a State religion or is established as official or traditional or that its followers comprise the majority of the population ...". On the other hand, the idea of predominance could be introduced in the second sentence, where a religion could be described as "predominant", it being readily understandable to the reader that the adjective referred to the cases indicated in the first sentence.

49. Mr. El Shafei's proposal that in the second sentence the words "affecting the latter" should be replaced by the words "discriminating against the latter" - would improve the text. Mr. El Shafei had also referred to economic privileges as an example of discriminatory measures and had proposed a minor amendment so that the reader would not think that the granting of economic privileges was connected with the eligibility for government service of members of the established religion. That had not been what the members of the Working Group had understood, since they had had in mind, for instance, cases where the right to own real estate could be enjoyed only by followers of the State religion. Consequently, the use of the conjunction "or" effectively made the text clear, and he would accept that formulation.

50. Finally, he understood Mr. Fodor's reasons and agreed that the fifth sentence should be retained.

51. The CHAIRMAN thanked Mr. Dimitrijevic for his efforts to take into account all the objections and proposals put forward by members and, noting that no member contested the new wording, read out the first four sentences of paragraph 9, as orally amended. The rest of the paragraph remained unchanged:

> "The fact that a religion is recognized as a State religion or is established as official or traditional religion or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of the rights contained in the Covenant, including articles 18 and 27, nor discrimination against adherents of other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths ... under article 26. The measures contemplated ... to exercise the rights guaranteed by articles 18 and 27, and against acts of violence or persecution directed towards those groups. The Committee wishes to be informed ... from infringement and to protect their followers from discrimination."

52. Paragraph 9, as orally amended, was adopted.

Paragraph 10

53. Mr. DIMITRIJEVIC drew attention to wording which could lead to confusion in the second sentence of paragraph 10. The expression "to restrict the freedom, under article 18, of persons not subscribing ..." could induce people to think that the restriction would be in conformity with the provisions of article 18 of the Covenant. The second sentence must be worded in such a way as to indicate clearly that what was involved was the freedom referred to in article 18; moreover, it would be more accurate to refer to freedoms, in the plural.

54. Mr. SADI pointed out that in the first sentence the separation of the auxiliary from its verb made the sentence rather incomprehensible from the outset. Furthermore, the whole paragraph would gain in coherence if the last part of the sentence - namely, the words "its content shall be subject to the same restrictions as the expression of private beliefs" - were deleted. The first sentence could thus be joined to the second to read: "If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of the ruling parties, etc., it cannot serve as a justification to restrict the freedoms ...".

55. Mr. EL SHAFEI said that he welcomed the general purport of the paragraph, except for the last sentence. Nobody today could be unaware that the protection of persons who opposed official ideology called for measures that went well beyond the mere guarantee against any form of discrimination. The last sentence should therefore be filled out and strengthened.

56. Mr. WENNERGREN agreed with Mr. Dimitrijevic that the reference should be to freedoms, in the plural. The last sentence was, in his opinion, a truism, since under the Covenant no one could be the victim of discrimination, whatever the motive. It was also for that reason that he had suggested using

"differentiation of a discriminatory nature" rather than "discrimination" in the first sentence of paragraph 9. Whatever wording was adopted, the last sentence of paragraph 10 should not remain as it stood.

57. In general, it would be desirable to follow the formulation adopted for the first sentence of paragraph 9 by stating, for example, that a set of beliefs must not result in any impairment of the enjoyment of the rights recognized in the Covenant and by mentioning, inter alia, protection against any form of discrimination.

58. Mrs. EVATT agreed with what Mr. Wennergren had said concerning the last sentence. Also, for the sake of clarity, she proposed that in the penultimate sentence, the words "not subscribing to the official ideology" should be replaced by the words "not accepting the official ideology".

59. Mr. NDIAYE proposed that the last sentence, which in his opinion added nothing to the content of the paragraph, should simply be deleted.

60. Mr. PRADO VALLEJO agreed with Mrs. Evatt's suggestion that the wording "persons not accepting the official ideology" should be used, since it was less ambiguous than the formulation proposed by the Working Group. Also, in the second sentence, it seemed to him advisable to make clear what was meant by the word "freedoms" by recapitulating the terms of article 18 of the Covenant, in order to avoid misunderstandings.

61. Mr. HERNDL said that he wished to reconsider the meaning to be given to paragraph 10 and its linkage with the preceding paragraph. In his opinion, the Committee should indicate very clearly that what was stated in paragraph 9 regarding predominant religions was also valid for official ideologies. Such a parallel could not be established immediately from paragraph 10 as it stood, and the Committee was therefore failing to achieve its objective. Paragraph 10 should be reworded accordingly; in particular, the reader could be referred back to what was stated in the preceding paragraph.

62. Finally, in the first sentence, the parallel drawn between the "content" of an ideology and the "expression" of private beliefs was ill-advised. He was therefore in favour of replacing "its content" by "it".

63. Mr. WENNERGREN said that, in the second sentence, it was sufficient to put the word "freedom" into the plural, without adding anything else, so as not to make the sentence unnecessarily heavy.

64. Mr. SADI agreed with Mr. Herndl regarding the meaning to be given to paragraph 10. In fact, the idea contained in it was the same as that set forth in paragraph 9; thus the Committee could perhaps be content with incorporating in paragraph 9 a reference to the question of official ideology and delete paragraph 10 as such.

65. Mr. DIMITRIJEVIC said that he was fully convinced by Mr. Herndl's argument. Nevertheless, to incorporate paragraph 10 into paragraph 9, as suggested by Mr. Sadi, might be going too far, since certain aspects associated with official ideology differed from purely religious questions. For example, the reference to article 27 of the Covenant which appeared in

paragraph 9 would have little meaning within the framework of the problems dealt with in paragraph 10, since that article was not concerned with the protection of political minorities. Nevertheless, it was important that paragraph 10 should be based as far as possible on what was stated in paragraph 9.

66. In order to meet the concerns and wishes of all those members who had spoken on paragraph 10, he submitted to the Committee's consideration a new text which would read: "If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of the ruling parties, etc., this shall not result in any impairment of the freedom of religion or belief or any other right recognized by the Covenant, nor in discrimination against persons who do not accept the official ideology or who oppose it".

67. The CHAIRMAN thanked Mr. Dimitrijevic for his proposal and invited members of the Committee to study it with a view to finalizing the text of paragraph 10 at a forthcoming meeting.

The meeting rose at 1 p.m.